

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 53080
Yoshiyuki MURAOKA, et al. : Confirmation Number: 5740
Application No.: 10/586,602 : Tech Center Art Unit: 1795
Filed: July 20, 2006 : Examiner: Adam A. Archiero

For: NONAQUEOUS ELECTROLYTE SECONDARY BATTERY

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 4, 2009 of the Primary Examiner finally rejecting claims 3-4.

Appeal Fee: \$540.00

- Not required (fee paid in prior appeal in this application).
- Charge to Deposit Account No. 500417.
- Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080 as
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Date: January 28, 2010